

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE APRIL 6, 2006

AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1712

Introduced by Senator Migden
(Coauthor: Assembly Member Bass)

February 24, 2006

An act to add Section 16124 to the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1712, as amended, Migden. Adoption of hard-to-place teens.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county, for the purpose of benefitting children residing in foster homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

This bill would require the State Department of Social Services to establish 3-year pilot projects in ~~3~~ 4 counties, including San Francisco and Los Angeles Counties, and would provide funding to those counties, to provide *enhanced Adoption Assistance Program payments and* postadoption services to ensure the successful adoption of hard-to-place foster children who are at least 11 years of age, but not yet 18 years of age, and who are members of sibling groups, or have a mental, physical, emotional, or medical disability. The bill would

require participating counties to submit progress reports to the department, and would require the department to report to the Legislature regarding the effectiveness of the program. This bill would encourage the participating counties to create public-private partnerships with private adoption agencies to maximize success in improving permanency outcomes for older foster children, and would require the counties to provide matching funds for purposes of the pilot project, as specified. The bill would appropriate the sum of \$4,000,000 to the department for these purposes. The bill would include a statement of legislative findings and declarations.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Older foster children are emancipating out of the system
4 without ever being adopted into a family that loves, nurtures,
5 protects, and guides them. ~~Thousands of foster youth emancipate~~
6 ~~from the system without connections each year. This low~~
7 ~~adoption rate of older foster children, 11 to 18 years of age,~~
8 ~~constitutes a pressing need to provide support and incentives to~~
9 ~~promote and encourage the adoption of those children. Over 80~~
10 ~~percent of adoptions of foster children through the Adoption~~
11 ~~Assistance Program involve foster children under 11 years of~~
12 ~~age. Moreover each additional year of age at first placement in~~
13 ~~foster care correlates to a 12-percent drop in the odds of~~
14 ~~permanence being achieved for a child.~~
- 15 (b) Older foster youth are more likely to have many special
16 needs. ~~For many older foster children, cumulative~~ *Cumulative*
17 experiences of exposure to drugs or alcohol prior to birth,
18 subsequent child maltreatment, and numerous foster care
19 placements combine and bring on intense mental health ~~crisis~~
20 ~~crises~~ or significant behavioral or learning problems. Mental
21 health services are often necessary. This need can be mitigated
22 by postadoption services.
- 23 (c) Mental health experts recognize the significance and power
24 of sibling relationships. Separating siblings in foster care or
25 through adoption adds to their emotional burden. ~~They have~~

1 ~~already had to cope with the separation and loss of their parents.~~
2 When sibling ties are severed, the impact can last a lifetime. ~~It is~~
3 ~~often difficult to find families willing to adopt children in sibling~~
4 ~~groups.~~

5 (d) Youth who leave the foster care system are often ill
6 prepared for what follows. About one-fourth of former foster
7 youth will be incarcerated within the first two years after they
8 leave the system. Approximately one-third of former foster youth
9 will be on public assistance shortly after aging out of the system.
10 ~~It is estimated that~~ *An estimated* 10 percent of the young women
11 emancipating from foster care in California are parents, ~~and~~
12 ~~existing services for teen mothers are woefully inadequate..~~
13 Nearly a third of foster youth will become homeless ~~at some time~~
14 within the first year after they leave the system at 18 years of
15 age.

16 (e) ~~Respite care for services are lacking for adoptive parents~~
17 ~~of children with special needs is intended to give parents who~~
18 ~~adopt a foster youth a pause from the excessive stress of~~
19 ~~parenting.~~ California does not provide respite care to families
20 who have adopted children, whereas 19 other states do ~~provide~~
21 ~~this respite care..~~

22 (f) While most adoptions have positive outcomes for the
23 children and their families, many adoptive families ~~need~~ *require*
24 supportive services ~~at some point~~ during or after the adoption.
25 The State of California recognizes this need and shall conduct a
26 demonstration project ~~with the goal of increasing permanence for~~
27 ~~older foster youth by expanding and enhancing services to~~
28 ~~adoptive families of children with special needs.~~ *for the purpose*
29 *of increasing the number of successful finalized adoptions of*
30 *hard-to-place foster youth between 11 and 18 years of age.*

31 SEC. 2. Section 16124 is added to the Welfare and
32 Institutions Code, to read:

33 16124. (a) (1) Upon the appropriation of funds by the
34 Legislature for the purposes set forth in this section, the
35 Department of Social Services shall establish three-year pilot
36 projects in ~~three~~ *four* counties, with the agreement of each
37 county, to provide postadoption services to ensure the successful
38 adoptions of “hard-to-place” children in foster care who are at
39 least 11 years of age, but not yet 18 years of age, according to
40 criteria developed by the department pursuant to this section.

~~One county shall be San Francisco County, one county shall be Los Angeles County, and one county shall be determined by the department.~~

(2) *For purposes of this section, “hard-to-place” refers to a foster youth who meets either of the following criteria:*

(A) *He or she has a mental, physical, emotional, or medical disability that has been certified by a licensed professional who is competent to make that assessment and who is operating within the scope of his or her profession. This shall also include a child who has a developmental disability, as defined in subdivision (a) of Section 4512, including those determined to require out-of-home nonmedical care, as described in Section 11464.*

(B) *He or she is a member of a sibling group.*

(3) *The four counties shall include the following:*

(A) *City and County of San Francisco.*

(B) *County of Los Angeles.*

(C) *Two other counties to be selected by the department pursuant to a competitive process.*

(4) *A county that elects to apply for funding pursuant to this section shall submit an application from the department no later than a date determined by the department to ensure timely allocation of funds. The department shall review the applications received, and select the eligible counties in accordance with this section.*

(b) *The department shall ensure that each county participating in the pilot project provides enhanced services, including all of the following:*

(1) *Two enhanced Adoption Assistance Program payments, of up to two thousand dollars (\$2,000) each, as necessary, to adoptive families of hard-to-place children in order to address the special needs of these children. The first payment shall be made to the adoptive family at the time the adoption is finalized, and the second payment shall be made at the end of the second year of permanency, in order to help stabilize the needs of the child and family during the early stage of the adoptive placement to ensure successful permanent adoption beyond this stage.*

(2) *Postadoption services for adoptive families, including, but not limited to, all of the following, as appropriate for each family:*

1 (A) Consistent, ongoing case management services.

2 (B) Respite care.

3 (C) Adoption sensitive behavioral health services.

4 (D) Peer support groups.

5 (E) Information and referral services.

6 (3) The postadoption services specified in paragraph (2) may
7 be provided directly by the county, contracted for by the county,
8 or provided through reimbursement to the family, as approved by
9 the county.

10 (c) The amount of funding provided to each county
11 participating in the pilot project shall be as follows:

12 (1) Five hundred thousand dollars (\$500,000) to the City and
13 County of San Francisco.

14 (2) One million dollars (\$1,000,000) to the County of Los
15 Angeles.

16 (3) A total of two million dollars (\$2,000,000), to be awarded
17 to the two additional counties selected pursuant to subparagraph
18 (C) of paragraph (3) of subdivision (a).

19 (d) Funds shall be allocated to the counties pursuant to
20 subdivision (c) no later than June 1, 2007, and shall be made
21 available for expenditure, as determined by the department, until
22 June 30, 2010.

23 (e) (1) The department shall seek approval for federal
24 matching funds for the purpose of providing enhanced Adoption
25 Assistance payments and postadoption services as provided for
26 in this section.

27 (2) Each county participating in the pilot project provided for
28 in this section shall provide matching funds in an amount equal
29 to 25 percent of the total amount allocated to the county by the
30 department for the pilot project.

31 (3) Pilot project funds shall supplement, and not supplant,
32 existing federal, state, and local funds, and shall be used only in
33 accordance with the terms and conditions of the pilot project.

34 (f) Each pilot project shall be implemented only upon the
35 adoption of a resolution adopted by the county board of
36 supervisors.

37 (g) The department shall work with the counties to develop
38 criteria and requirements for the pilot project, including
39 guidelines for the enhanced Adoption Assistance Program
40 payments and postadoption services provided for pursuant to

1 subdivision (b), the number of families that may participate in the
2 pilot project, given the available resources, and guidelines for
3 data collection, as required by subdivision (i).

4 (h) The department shall work with the four pilot project
5 counties to develop and analyze data regarding the effects of the
6 pilot projects, including, but not limited to, the extent to which
7 the adoptions of youth who are at least 11 years of age, but not
8 yet 18 years of age, who are in sibling groups, or have a mental,
9 physical, emotional, or medical disability, increase as a result of
10 the pilot project. In developing and analyzing the data, the
11 department may consult with the Child Welfare Research Center
12 at the University of California, Berkeley, or other appropriate
13 research organizations.

14 (i) Not later than July 1, 2009, each participating county shall
15 submit a progress report to the department assessing the
16 effectiveness of that county in achieving the goal of increasing
17 the number of permanent adoptions of hard-to-place foster youth
18 who are at least 11 years of age, but not yet 18 years of age, by
19 ____ percent over the number of adoptions of this category of
20 children prior to implementation of the pilot project. The report
21 shall include all of the following information:

22 (1) The number of children in families who were served by the
23 pilot project.

24 (2) The number of families receiving the enhanced Adoption
25 Assistance Program payments specified in paragraph (1) of
26 subdivision (b), and the amount of each of these payments.

27 (3) The postadoption services that were provided to children
28 and families under the pilot project.

29 (4) The cost of providing each of the postadoption services,
30 and the number of hours of these services each family receives.

31 (5) The number of adoptions that were finalized and the
32 number of finalized adoptions that were disrupted.

33 (6) Problems encountered in the design and operation of the
34 pilot project, including identification of any federal, state, or
35 local statute, regulation, or ordinance that impeded program
36 implementation.

37 (7) Family and child satisfaction.

38 (8) Whether the number of adoptions of hard-to-place foster
39 youth increased by ____ percent over the number of similar
40 adoptions prior to implementation of the pilot project.

1 (j) The department shall submit to the Legislature a
2 preliminary report on the pilot project by January 1, 2010, that
3 shall include the cost of delivering services for the program for
4 each pilot project county and for each child and family served.
5 The department shall submit to the Legislature a final report on
6 the pilot project by November 30, 2010, that shall additionally
7 include an evaluation of the effectiveness of the program.

8 (k) Adoption programs in the pilot project counties shall be
9 encouraged to create public-private partnerships with private
10 adoption agencies to maximize their success in improving
11 permanent outcomes for older foster youth.

12 ~~(b) The intent of the pilot projects established under this~~
13 ~~section is to increase the number of successful finalized~~
14 ~~adoptions of hard-to-place foster children.~~

15 ~~(c) A county that elects to apply for funding pursuant to this~~
16 ~~section shall submit an application to the department, no later~~
17 ~~than a date selected by the department to ensure timely allocation~~
18 ~~of the funds. The department shall review the applications~~
19 ~~received and select the eligible counties in accordance with the~~
20 ~~provisions of this section. The department shall ensure that any~~
21 ~~county selected for the program enacts a program that includes,~~
22 ~~but is not limited to, the following:~~

23 ~~(1) Two cash assistance payments, up to \$2,000 each as~~
24 ~~necessary, to adoptive families of hard-to-place children. This~~
25 ~~cash assistance shall be paid to the adoptive family first at the~~
26 ~~time the adoption is finalized, and second at the end of the~~
27 ~~second year of permanency.~~

28 ~~(2) Supportive services for the adoptive families participating~~
29 ~~in the pilot project, which may include, but need not be limited~~
30 ~~to, the following, as appropriate for each family:~~

31 ~~(A) Peer support.~~

32 ~~(B) Case management for adoptive families.~~

33 ~~(C) Adoption-sensitive behavioral health services.~~

34 ~~(D) Information and referral services for these adoptive~~
35 ~~families.~~

36 ~~(E) Respite care.~~

37 ~~(3) Supportive services provided pursuant to paragraph (2)~~
38 ~~may be provided directly by the county, contracted for by the~~
39 ~~county, or provided through reimbursement to the family, as~~
40 ~~approved by the county.~~

~~(d) The amount of funding provided to each county shall be equal to that county's relative proportion of foster youth who are at least 11 years of age, but not yet 18 years of age, who are in sibling groups, or have a mental, physical, emotional, or medical disability, and whose parental rights have been terminated and who have a case plan goal of adoption, as compared to the total number of foster youth meeting this description within the three pilot counties as a whole. Funds shall be allocated to the counties no later than June 1, 2007, and shall be made available for expenditure as determined by the department until the end of the 2009-10 fiscal year.~~

~~(e) The department shall work with counties to develop criteria and requirements for the pilot projects, including guidelines for the assistance payments and supportive services provided pursuant to subdivision (c), the number of families that may participate in the pilot project, given the available resources, and guidelines for data collection, as required by subdivision (g).~~

~~(f) The department shall work with the three pilot counties to develop and analyze data regarding the impacts of the projects, including, but not limited to, the extent to which adoptions of youth who are at least 11 years of age, but not yet 18 years of age, who are in sibling groups or have a mental, physical, emotional, or medical disability, increased as a result of the projects. In developing and analyzing the data, the department may consult with the Child Welfare Research Center at the University of California at Berkeley or other appropriate research organizations.~~

~~(g) Not later than July 1, 2009, each participating county shall submit progress reports to the department assessing the effectiveness of that county in achieving stated goals, in accordance with subdivision (b), that shall include, but need not be limited to, all of the following information:~~

~~(1) The number of children or families who were served by local projects funded under this program.~~

~~(2) The services that were provided to children and families, as specified in subdivision (c).~~

~~(3) The cost of providing training to adoptive families in the care of eligible children.~~

~~(4) The cost of providing respite care services and the number of respite care hours each family received.~~

1 ~~(5) The cost of delivering services for the program as a whole,~~
2 ~~for each local project, and for each child or family served.~~

3 ~~(6) The number of adoptions that were finalized, and the~~
4 ~~number of finalized adoptions that were disrupted.~~

5 ~~(7) Problems encountered in the design and operation of the~~
6 ~~grant program plan, including identification of any federal, state,~~
7 ~~or local statute or regulation that impedes program~~
8 ~~implementation.~~

9 ~~(8) Family and child satisfaction.~~

10 ~~(9) The increase, if any, in the number of adoptions of~~
11 ~~hard-to-place children.~~

12 ~~(h) The department shall submit a preliminary report by~~
13 ~~January 1, 2010, and submit a final report to the Legislature that~~
14 ~~shall include an evaluation of the effectiveness of the~~
15 ~~demonstration project by November 30, 2010.~~

16 ~~(i) For purposes of this section, the term “hard-to-place” refers~~
17 ~~to a child who meets either of the following criteria:~~

18 ~~(1) He or she has a mental, physical, emotional, or medical~~
19 ~~disability that has been certified by a licensed professional who is~~
20 ~~competent to make that assessment and who is operating within~~
21 ~~the scope of his or her profession. This definition also includes a~~
22 ~~child who has a developmental disability as defined in~~
23 ~~subdivision (a) of Section 4512, including those determined to~~
24 ~~require out-of-home nonmedical care as described in Section~~
25 ~~11464.~~

26 ~~(2) He or she is a member of a sibling group.~~

27 ~~(j) Adoption programs in participating counties shall be~~
28 ~~encouraged to create public-private partnerships with private~~
29 ~~adoption agencies to maximize their success in improving~~
30 ~~permanency outcomes for older foster children.~~

31 ~~(k) (1) Each county shall provide matching funds in an~~
32 ~~amount equal to 25 percent of the total amount allocated to the~~
33 ~~county by the department for purposes of the pilot project.~~

34 ~~(2) These funds shall supplement, not supplant, existing~~
35 ~~federal, state, and local funds, and shall be used only in~~
36 ~~accordance with the terms and conditions of the pilot project.~~

37 ~~(l) Each pilot project shall be implemented upon the adoption~~
38 ~~of a resolution by the county board of supervisors.~~

39 ~~SEC. 3. The sum of four million dollars (\$4,000,000) is~~
40 ~~hereby appropriated from the General Fund for allocation to the~~

- 1 Department of Social Services for the purposes set forth in
- 2 Section 16124 of the Welfare and Institutions Code.

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